

Appl. No. 09/931,677
Amdt. Dated November 3, 2005
Reply to Office action of January 27, 2005

REMARKS/ARGUMENTS

Claims 1-3 are pending in the present application.

This Amendment is in response to the Office Action mailed January 27, 2005. In the Office Action, the Examiner objected to the specification, rejected claims 1-3 under 35 U.S.C. §101; and claims 1-3 under 35 U.S.C. §102(b). Applicant has amended claims 1-3, and added new claims 4-11. Applicant submits that the newly-added claims introduce no new matter. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Specification

1. The Examiner objected to the specification regarding the title. The Examiner indicated that the title of the invention, under 37 CFR 1.72, should be descriptive, brief and technically accurate and should be placed on the first page of the specification. In response, Applicant has amended the title to "Method and apparatus to provide purchase discount using a universal discount coupon card".

Therefore, Applicant respectfully requests the objection be withdrawn.

Rejection Under 35 U.S.C. § 101

2. In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. §101 on the grounds that the claims are directed to an abstract idea which is non-statutory subject matter. Applicant respectfully traverses the rejection for the following reasons.

The claimed invention involves the use of an electronic automated means to carry out the operations. These operations produce a useful, concrete, and tangible result. The discount coupon card is a concrete device. It is embedded with a magnetic or electronic medium containing information related to a coupon card transaction. The transaction involves the use of an electronic automated means to notify the manager or manufacturer of the transaction. The result is a payment of a rebate or a service fee. This is a useful, concrete; and tangible result. To clarify this aspect of the invention, claims 1-3 have been amended.

Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §101 be withdrawn.

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Rejection Under 35 U.S.C. § 102

3. In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by International Publication No. WE 98/19229 issued to Fajkowski ("Fajkowski"). Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a prima facie case of anticipation.

Fajkowski discloses a method and apparatus for coupon management and redemption. A coupon card contains a bar code scanner, a memory means, a display screen, and a communication port (Fajkowski, page 10, lines 26-28; page 11, lines 10-12; page 12, lines 2-4). The user enters a bar code or redemption requirement data using operational keys and the optic scanner (Fajkowski, page 11, lines 10-13; page 14, lines 10-12).

Fajkowski does not disclose, either expressly or inherently, among other things, (1) issuing one of the wallet cards to each of the plural consumers, (2) identifying selected publically placed coupons, offering a purchase discount for a selected product, with a notification indicia related to the wallet cards.

Fajkowski requires the user to scan the bar code printed on the coupon (Fajkowski, page 11, lines 10-13). In contrast, the discount wallet card in the claimed invention is used to replace coupons that have a notification indicia related to the wallet card. The use of Fajkowski system further requires a periphery device 100 to enter the redemption requirement data (Fajkowski, page 13, lines 29-30; page 20, lines 9-11; page 22, lines 29-31)

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Since the Examiner failed to show that Fajkowski teaches or discloses any one of the above elements, the rejection under 35 U.S.C. §102 is improper.

Therefore, Applicant believes that independent claims 1-4 and 7, and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §102(b) be withdrawn.

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Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: November 3, 2005

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Tu Nguyen

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